

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

LAURA A. HEIMLICHER and
LAWRENCE W. HEIMLICHER,

Plaintiffs,

vs.

JAMES O. STEELE, M.D.; and
DICKINSON COUNTY MEMORIAL
HOSPITAL, an Iowa non-profit
corporation, *dba* LAKES REGIONAL
HEALTHCARE;

Defendants.

No. C05-4054-PAZ

VERDICT FORM

We, the jury in the above-entitled case, return the following verdict:

Question No. 1 Was the defendant James O. Steele, M.D., negligent? (Answer "yes" or "no.")

ANSWER: Yes

If you answer "no" to Question No. 1, then do not answer Question Numbers 2, 3, 4, or 5, and proceed directly to Question No. 6. If you answer "yes" to Question No. 1, then answer Question Numbers 2, 3, 4, and 5.

Question No. 2 Was the defendant James O. Steele, M.D., negligent in failing to recognize Laura A. Heimlicher's need for an emergency delivery? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 3 Was the defendant James O. Steele, M.D., negligent in transferring Laura A. Heimlicher to Sioux Valley Hospital without first determining that her medical condition and the medical condition of the unborn child were not likely to materially deteriorate during the transfer? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 4 Was the negligence of the defendant James O. Steele, M.D., a proximate cause of any damages to the plaintiff Laura A. Heimlicher? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 5 Was the negligence of the defendant James O. Steele, M.D., a proximate cause of any damages to the plaintiff Lawrence W. Heimlicher? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 6 Was the defendant Dickinson County Memorial Hospital negligent? (Answer "yes" or "no.")

ANSWER: Yes

If you answer "no" to Question No. 6, then do not answer Question Numbers 7, 8, 9, or 10, and proceed directly to Question No. 11. If you answer "yes" to Question No. 6, then answer Question Numbers 7, 8, 9, and 10.

Question No. 7 Was the defendant Dickinson County Memorial Hospital negligent in failing to recognize Laura A. Heimlicher's need for an emergency delivery? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 8 Was the defendant Dickinson County Memorial Hospital negligent in transferring Laura A. Heimlicher to Sioux Valley Hospital without first determining that her medical condition and the medical condition of the unborn child were not likely to materially deteriorate during the transfer? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 9 Was the negligence of the defendant Dickinson County Memorial Hospital a proximate cause of any damages to the plaintiff Laura A. Heimlicher? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 10 Was the negligence of the defendant Dickinson County Memorial Hospital a proximate cause of any damages to the plaintiff Lawrence W. Heimlicher? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 11 Has the plaintiff Laura A. Heimlicher proved her EMTALA claim against the defendant Dickinson County Memorial Hospital? (Answer "yes" or "no.")

ANSWER: Yes

Question No. 12 Has the plaintiff Lawrence W. Heimlicher proved his EMTALA claim against the defendant Dickinson County Memorial Hospital? (Answer "yes" or "no.")

ANSWER: Yes

If you answer "no" to both Question Numbers 11 and 12, then do not answer Question No. 13. If you answer "yes" to either Question No. 11 or 12, then answer Question No 13.

Question No. 13 Has the defendant Dickinson County Memorial Hospital proved its certification defense to the plaintiffs' EMTALA claims? (Answer "yes" or "no.")

ANSWER: No

If you have not found either of the defendants liable on any of the plaintiffs' claims, then do not answer any further questions on this verdict form. If you have found either defendant liable on any of the plaintiffs' claims, then answer the remaining questions on this verdict form.

Question No. 14 Using 100% as the total of the combined fault of the defendants, with respect to the claims of the plaintiffs, what percentage of the total fault do you assign to each defendant? If the plaintiffs have failed to prove a defendant is at fault, then enter "0" for that defendant.

ANSWER:

James O. Steele, M.D. 30 %

Dickinson County Memorial Hospital 70 %

TOTAL **100%**

Question No. 15 For Laura A. Heimlicher, determine each of the following items (you may enter "0" for any item).

- | | | |
|--------------|--|---------------------|
| (a) | Future loss of services | \$ <u>12,000</u> |
| (b) | Past loss of companionship and society | \$ <u>300,000</u> |
| (c) | Future loss of companionship and society | \$ <u>780,000</u> |
| (d) | Past expenses (subtract) | \$ <u>(6,000)</u> |
| (e) | Future expenses (subtract) | \$ <u>(60,000)</u> |
| TOTAL | | \$ <u>1,026,000</u> |

To reach your total, you must add together items (a), (b), and (c), and subtract items (d) and (e). These items are described in Instruction Number 22.

Question No. 16 For Lawrence W. Heimlicher, determine each of the following items (you may enter "0" for any item).

- | | | |
|--------------|--|--|
| (a) | Future loss of services | \$ <u>8,000</u> |
| (b) | Past loss of companionship and society | \$ <u>200,000</u> |
| (c) | Future loss of companionship and society | \$ <u>520,000</u> |
| (d) | Past expenses (subtract) | \$ <u>(4,000)</u> |
| (e) | Future expenses (subtract) | \$ <u>(40,000)</u> |
| TOTAL | | \$ <u>688,000</u>
\$ <u>772,000</u>
<u>684,000</u> |

To reach your total, you must add together items (a), (b), and (c), and subtract items (d) and (e). These items are described in Instruction Number 22.

DATED this 11 day of March, 2009.

